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MINISTRY OF COMMERCE AND INDUSTRY

NOTIFICATION

*New Delhi, the 25th October 1951*

S.R.O. 1633.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendments shall be made in the Cotton Textiles (Control) Order, 1948, namely,—

In the said Order—

(1) In clause 3, sub-clauses (i) and (j) shall be omitted.

(2) Clauses 4 to 11 shall be omitted.

(3) For sub-clauses (1) to (3) of clause 12, the following sub-clauses shall be substituted, namely,—

“12(1) Every producer who has a spinning plant shall sell, in each quarter, at least one-eighth of the total quantity of yarn sold by him in the years 1949 and 1950 taken together.

(2) Notwithstanding anything contained in sub-clause (1) the Textile Commissioner may, having regard to—

(a) the availability of cotton in any particular year;

(b) the capacity of the producer; and

(c) any other factor, including a strike or lock-out affecting the production of yarn,

by a special order fix a quantity of yarn lesser than that specified in sub-clause (1) which shall be sold by any producer in any quarter.

(3) No person shall acquire or instal any loom to be worked by power as defined in clause (g) of section 2 of the Factories Act, 1948 (LXIII of 1948) except with the permission in writing of the Textile Commissioner.

(3A) In granting or refusing permission under sub-clause (3) the Textile Commissioner shall have regard to the following matters, namely,—

(a) the number of looms already installed or working in the local area;

(b) whether the looms proposed to be acquired or installed are to be utilised for weaving cloth;

(c) the availability of yarn;

(d) the demand for cloth;

(e) the necessity for training persons or rehabilitating displaced persons in the weaving industry.”

- (4) To clause 13, the following proviso shall be added, namely,—

“Provided that nothing in this clause shall apply where any such cloth is manufactured under the written authority of the Textile Commissioner for the purpose of—

- (a) export outside India; or
- (b) manufacture of any fabrics specified by the Textile Commissioner; or
- (c) meeting any special requirements of the Central Government.”

- (5) To clause 19, the following proviso shall be added, namely,—

“Provided that nothing in this clause shall apply where any such cloth is produced under the written authority of the Textile Commissioner for the purpose of export outside India or for meeting any special requirements of the Central Government.”

(6) Clause 20 shall be re-numbered as sub-clause (1) of that clause and after the sub-clause (1) as so re-numbered, the following sub-clause shall be added, namely,—

“(2) In the exercise of the powers conferred upon him by sub-clause (1), the Textile Commissioner shall have regard to the capacity of the producer to produce cloth and yarn of different descriptions or specifications and to the needs of the general public.”

- (7) In clause 20A—

- (1) to sub-clause (i), the following proviso shall be added, namely,—

“provided that any such producer may—

- (a) subject to any general order made by the Textile Commissioner in this behalf for the purpose of maintaining or increasing the supplies of cloth, produce any such article to the same extent to which he was producing them during the period of one year immediately preceding the first day of October, 1951;
- (b) produce any such articles which are required to meet the demands of the Central Government.
- (c) make uniforms for his employees from such quantity of cloth as the Textile Commissioner may, by order in writing, specify in this behalf.”

- (2) for sub-clause (ii), the following sub-clause shall be substituted, namely,—

“(ii) Without prejudice to the provisions of sub-clause (1) of clause 12, no producer having a spinning plant shall utilise any yarn except for the purpose of—

- (a) weaving of cloth; or
- (b) manufacturing of spindle tapes and tubular bandings for use in his undertaking; or
- (c) tying of bundles.

Provided that the Textile Commissioner may, by order in writing, and having regard to—

- (a) the quantity of yarn which any such producer is required to sell under the provisions of sub-clauses (1) and (2) of clause 12; and
- (b) the quantity of hosiery produced by him in any of the two years 1949 and 1950,

authorise the producer to utilise a specified quantity of yarn for the manufacture of hosiery.”

- (8) In clause 20-B—

- (1) to sub-clause (i), the following proviso shall be added, namely,—

“Provided that the Textile Commissioner may, by general order, permit producers to utilise specified percentage of their spindles for the purposes of spinning staple fibre.”

- (2) to sub-clause (iii), the following proviso shall be added, namely,—

“Provided that the Textile Commissioner may, by general order, permit producers to manufacture yarn from a mixture of such Indian and foreign cottons as may be specified in the Order.”

(9) To clause 20-C, the following provisos shall be added, namely,—

"Provided that nothing in this clause shall apply to any such producer who processes any cloth or yarn under the authority of the Textile Commissioner which is intended for export outside India or is intended to meet the special requirements of the Central Government.

Provided further that where the Textile Commissioner is satisfied that any description of cloth or yarn produced by a producer is not readily saleable unless it is processed and the producer does not possess the necessary processing equipment, the Textile Commissioner may, by order in writing, permit any other producer to carry out such processing in respect of such quantities of cloth or yarn as may be specified in the order."

(10) In clause 21,—

(1) to sub-clause (1) the following proviso shall be added, namely,—

"Provided that the Textile Commissioner may, by general order, permit packing of specified quantities of cloth in bales containing one-half or one-fourth of the quantity of cloth permissible under this sub-clause;

Provided further that this sub-clause shall not apply to—

(a) cloth delivered to Central Government in pursuance of any contract;

(b) cloth sold for export; and

(c) cloth of any description specified in this behalf by the Textile Commissioner which is not required by him for the purposes of issuing any directions under sub-clause (2) of clause 30."

(2) to sub-clause (2) the following proviso shall be added, namely,—

"Provided that the Textile Commissioner may, by general order, permit packing of specified quantities of yarn in bales or packages containing one-half or one-fourth of the quantity of yarn permissible under this sub-clause."

(11) In clause 22, in sub-clause (2) for the words "Provincial Government" in both the places where they occur, the words "State Government" shall be substituted.

(12) For clause 30, the following clauses shall be substituted, namely,—

"30(1) No manufacturer shall sell or deliver any cloth or yarn manufactured by him, except to the following categories of persons, namely,—

(a) persons nominated by the Central Government to acquire cloth or yarn to meet the requirements of the Central Government;

(b) persons holding licences for export of cloth or yarn out of India;

(c) wholesale dealers nominated by a State Government; and

(d) owners and undertakings in which cloth or yarn is required for manufacture of any goods.

(2) The Textile Commissioner may, with a view to securing a proper distribution of cloth or yarn, issue directions to any manufacturer to sell specified quantities of cloth or yarn to specified persons falling in any of the categories referred to in sub-clause (1) and where any such directions are issued, the manufacturer shall comply with them.

(3) In the exercise of the powers conferred by sub-clause (2), the Textile Commissioner shall have regard to the following matters, namely,—

(a) the requirements of various categories of persons specified in sub-clause (1);

(b) the availability of cloth or yarn of different descriptions; and

(c) the requirements of any local area.

(4) Notwithstanding anything contained in this clause, the Textile Commissioner may, by general order, direct that the provisions of this clause shall not apply to such percentage of cloth or yarn produced by manufacturers as he may specify in the Order."

"30-A(1) A wholesale dealer shall not sell or deliver any cloth or yarn except to a retail dealer or dealers specified by the Controller,

- (2) In the exercise of the powers conferred by sub-clause (1), the Controller shall have regard to the following matters, namely,—
- (a) the number of retail dealers in any local area;
  - (b) the requirements of any specified local area;
  - (c) the availability of cloth or yarn for distribution among retail dealers in any local area; and
  - (d) the extent of business carried on by a retail dealer."
- "30-B(1) A retail dealer shall not sell cloth or yarn, except to a consumer, and except under and in accordance with directions issued from time to time by the Controller.
- (2) In the exercise of the powers conferred by sub-clause (1), the Controller shall have regard to the following matters, namely,—
- (a) the number of consumers in any local area;
  - (b) the requirements of any specified local area; and
  - (c) the availability of cloth or yarn for distribution among the consumers in any local area."
- (13) Clauses 32 and 33 shall be omitted.
- (14) In clause 35 the words and figures "or clause 32" shall be omitted.
- (15) Schedules A and C shall be omitted.

[File No. 9(4)-CT(A)/51.]

S. K. DATTA, Dy. Secy.